

REMARKS

Applicants submit the present communication in response to the Office Action mailed May 28, 2009 ("Office Action"). While Applicants submit that the present communication is fully responsive to the Office Action, Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office Action, the Examiner indicated that (i) claims 1-11 are pending, (ii) claims 1, 2, 4, 5 and 7-10 are rejected for the reasons set forth below, (iii) claims 1, 2, 4, 5, 7 and 8 are objected to for informalities and (iv) dependent claims 3, 6 and 11 are allowable. As set forth above in the amendment to the claims, Applicants amend claims 1-6, 8 and 9-11 along with adding claims 12-14. Support for the amendment of the claims may be found throughout the present application's specification, drawings and originally-filed claims, including, for example, FIGS. 4-8 and corresponding description. The Applicants submit that no new matter has been added by way of the amendment to the claims.

Allowable Claims

Applicants thank the Office for indicating that dependent claims 3, 6 and 11 would be allowable if rewritten in independent form including all of the elements of their independent claims and intervening claims, if any. Accordingly, Applicants amend claim 3, 6, and 11 into independent form including all of the elements of their respective independent and intervening claims.

Claim Objections - Informalities

As noted above, the Office objected to claims 1, 2, 4, 5, 7 and 8 for informalities because "it is unclear if the response signal is related to the received carrier wave signal." Applicants submit that the amendment to independent claims 1, 4 and 9 clarifies the relationship between the response signal and the received carrier wave signal. Accordingly, Applicant respectfully request the Office to withdraw the informalities objection.

Claim Rejections - 35 U.S.C. §102

The Office rejected claims 1, 2, 4, 5, 7, 8 and 9 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,107,910 to Nysen ("Nysen"). To this end, the Office contended that Nysen discloses all of the claimed combination of elements of the originally-filed claims 1, 2, 4, 5, 7, 8 and 9. In support of this contention, the Office cited to Nysen at Figure 34, col. 34, ll. 40-47; and to col. 3, l. 41; Figure 4, and col. 5. ll. 5-8 of incorporated reference "Landt" for disclosing the originally-claimed elements directed to the "carrier wave compensating circuit" and/or functions thereof of the originally-filed independent claim 1.

Applicants note that the cited sections of Nysen disclose a receiver/detector that compares a reference signal corresponding to a transmitted RF signal to a shifted back-scattered version of the transmitted modulated RF signal ("back-scattered signal") to determine a correlation between such signals. Applicants also note that the cited sections disclose that the correlation is representative of a sum of the number of matching amplitudes of the reference signal and the back-scattered signal at each of the pulses of the reference signal averaged over the total

number of such pulses. See *Nysen*, at col. 33, l. 12 to col. 34, l. 19. Significantly, *Nysen* states:

"[a]s a result of the operation of receiver/detector 311 described above, the amplitude of the output signal passing through node B to decoder/demodulator 312 varies significantly depending upon the degree of correlation between the phase modulation pattern on the reference signal from transmitter 310 and the modulated backscattered signal from the tag 313. As explained above in connection with the graphs in FIG. 35, the amplitude of this output signal is substantially lower, by a factor of two or more, if the phase correlation between these two signals is poor, and substantially higher if the correlation is good. Where the correlation is poor, the input signal at node B to decoder/demodulator 312 is of a sufficiently low amplitude below the decoder/demodulator sensitivity, and is thus ignored. Where the correlation is good, the amplitude is sufficiently high so that decoder/demodulator 312 can decode the signal and reproduce the original binary bit pattern modulated onto the returned signal by the tag" (emphasis added). *Id.*, at col. 34, ll. 30-47.

Applicants submit that, as can be readily discerned from the foregoing quote (and the rest) of *Nysen*, any poorly correlated signal is merely ignored due to having an amplitude below the decoder/demodulator sensitivity.

Unlike *Nysen*, the independent claim 1, as amended, includes elements that, like the allowable subject matter of dependent claim 3, make clear that carrier-wave-compensating circuit is adapted to obtain the response signal by: (i) comparing a phase of the carrier wave signal in transmitting the carrier wave signal with a phase of the carrier wave signal in receiving the carrier wave signal so as to detect any carrier wave signal that is not synchronized with the phase of the carrier wave signal in transmitting the carrier wave signal; and (ii) eliminating the detected carrier wave signal from the any carrier wave signal in

receiving the carrier wave signal by subtracting therefrom a replica of the detected carrier wave signal.

In view of the foregoing, Applicants submit that *Nysen* fails to disclose at least one element of the amended independent claim 1. Accordingly, Applicants submit that *Nysen* fails to anticipate the amended independent claim 1 under 35 U.S.C. §102(b).

For reasons similar to those previously described with regard to amended independent claim 1, it is also respectfully submitted that amended independent claims 4 and 9 are also distinguishable from *Nysen*. Claims 2, 5, 7-8, 10 and 12-14 depend from one of independent claims 1, 4 and 9. Accordingly, it is also respectfully submitted that dependent claims 2, 5, 7-8, 10 and 12-14 are distinguishable from *Nysen* for at least the reasons previously described.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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